

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
2138.001B

Total Pages in this Submission  
4

**TO THE COMMISSIONER FOR PATENTS**

Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**COMPOSITE FIRE BARRIER AND THERMAL INSULATION FABRIC FOR MATTRESSES AND OTHER UPHOLSTERED ARTICLES**

and invented by:

Harrison Robert MURPHY  
Juraj Michal Daniel SLAVIK, II

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

Continuation    Divisional    Continuation-in-part (CIP) of prior application No.: 10/291,879

Which is a:

Continuation    Divisional    Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

Continuation    Divisional    Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1.  Filing fee as calculated and transmitted as described below
2.  Specification having 18 pages and including the following:

- a.  Descriptive Title of the Invention
- b.  Cross References to Related Applications (*if applicable*)
- c.  Statement Regarding Federally-sponsored Research/Development (*if applicable*)
- d.  Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
- e.  Background of the Invention
- f.  Brief Summary of the Invention
- g.  Brief Description of the Drawings (*if filed*)
- h.  Detailed Description
- i.  Claim(s) as Classified Below
- j.  Abstract of the Disclosure

222278 U.S. PTO  
10/4661292  
09/12/03

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**Application Elements (Continued)**

3.  Drawing(s) (when necessary as prescribed by 35 USC 113)
  - a.  Formal Number of Sheets 3
  - b.  Informal Number of Sheets \_\_\_\_\_
4.  Oath or Declaration
  - a.  Newly executed (original or copy)  Unexecuted
  - b.  Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
  - c.  With Power of Attorney  Without Power of Attorney
  - d.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5.  Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.  CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7.  Application Data Sheet (See 37 CFR 1.76)
8.  Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
  - a.  Computer Readable Form (CRF)
  - b.  Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  Paper
  - c.  Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(B) Statement (when there is an assignee)
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)
16.  Certificate of Mailing  
 First Class  Express Mail (Specify Label No.): EV 245035155 US

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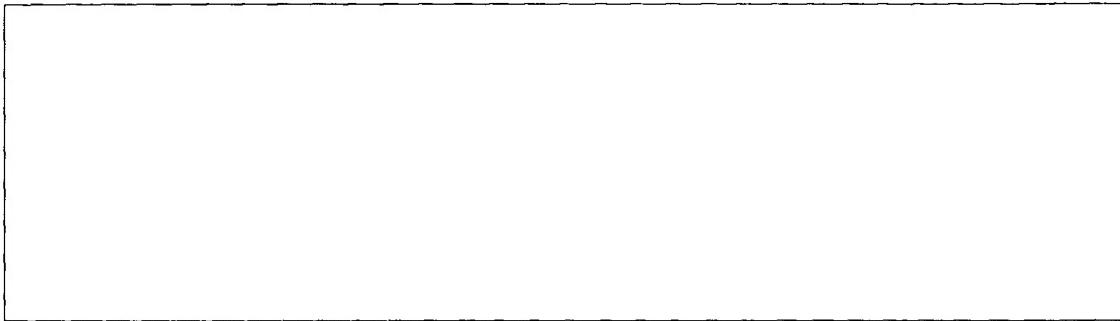
*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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**Accompanying Application Parts (Continued)**

17.  Additional Enclosures (*please identify below*):



**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

***Warning***

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

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**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	17	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	3	- 3 =	0	x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable)					\$0.00
				<b>BASIC FEE</b>	<b>\$750.00</b>
OTHER FEE (specify purpose)					\$0.00
				<b>TOTAL FILING FEE</b>	<b>\$750.00</b>

- A check in the amount of \$750.00 to cover the filing fee is enclosed.
- The Director is hereby authorized to charge and credit Deposit Account No. 08-1935 as described below.
- Charge the amount of \_\_\_\_\_ as filing fee.
- Credit any overpayment.
- Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

*Mary Louise Gioeni*  
Signature

MARY LOUISE GIOENI, ESQ.  
Attorney for Applicants - Registration No. 41,779

Dated: September 12, 2003

HESLIN ROTHENBERG FARLEY & MESITI P.C.  
5 Columbia Circle  
Albany, New York 12203  
Phone: 518-452-5600  
Fax: 518-452-5579

CC:

# CERTIFICATE OF MAILING BY "EXPRESS MAIL"

In Re Application of

**MURPHY et al.**

Title:

**COMPOSITE FIRE BARRIER AND THERMAL INSULATION  
FABRIC FOR MATTRESSES AND MATTRESS FOUNDATIONS**

Attorney Docket No.:

**2138.001B**

"EXPRESS MAIL" MAILING LABEL NO.: EV 245035155 US

Date of Deposit: SEPTEMBER 12, 2003

I hereby certify that this paper is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and addressed to:

**MAIL STOP PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450**

*Christine M. Adkins*

(Typed or printed name of person mailing paper or fee)

*Christine M. Adkins*

(Signature of person mailing paper or fee)

**DOCUMENTS INCLUDED along with this Certificate of Express Mail–Label No.: EV 245035155 US:**

- \* One (1) Acknowledgment Postcard
- \* Check in the amount of \$750.00 for Application Filing Fee
- \* Large Entity Utility Patent Application Transmittal Letter (4 pages) (in duplicate)
- \* U.S. Patent Application in 18 pages, including 18 Claims and Abstract of the Disclosure
- \* Formal Drawings (3 Pages / 3 Figures)
- \* Executed Declaration and Power of Attorney for Patent Appl. (3 pages)
- \* Preliminary Amendment (5 pages) canceling claims 8-18, and adding claims 19-28.
- \* Check in the amount of \$40.00 – Assignment Recordation Fee
- \* Assignment Recordation Cover Sheet and Assignment (3 pages)
- \* EFS Application Data Sheet (2 pages)
- \* Information Disclosure Citation (2 pages) citing 29 references, with copies of 7 references